

**EXHIBIT “13”**

AO 440 (Rev. 12/09) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Eastern District of New York

MERLENE BACCHUS,

Plaintiff

v.

Civil Action No.

THE CITY OF NEW YORK, RENÉE PEPPER and  
BOARD OF EDUCATION EMPLOYEES LOCAL 372,  
DISTRICT COUNCIL 37, AMERICAN FEDERATION  
OF STATE, COUNTY AND MUNICIPAL EMPLOYEES,  
AFL-CIO,

Defendants.

## SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) (1) The City of New York, Law Department, 100 Church Street, NY, NY 10007

(2) Renée Pepper, PS/IS 295Q, 222-14, Jamaica Avenue, Queens, New York

(3) Board of Education Employees Local 372, District Council 37, American  
Federation of State, County and Municipal Employees, AFL-CIO, 125 Barclay  
Street, New York, New York 10007-2179

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — 60 days if you  
are the United States or a United States agency, or an officer or employee of the United States described in Fed. Civ.  
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of  
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,  
whose name and address are: LAW OFFICE OF VINCENT I. EKE-NWEKE, P.C.  
498 Atlantic Avenue, Brooklyn, New York 11217

2012 APR 19 11:58  
CITY OF NEW YORK  
OFFICE OF THE  
CITY CLERK  
COMMONS UNIT

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.  
You also must file your answer or motion with the court.

DOUGLAS C. PALMER

CLERK OF COURT

*Elizabeth J. Haddad*  
Signature of Clerk or Deputy Clerk

Date: 04/04/2012

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Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons <sup>and Complaint</sup> for (name of individual and title, if any) The City of New York  
was received by me on (date) 4/19/2012

☐ I personally served the summons on the individual at (place) \_\_\_\_\_  
on (date) \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on (name of individual) \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of (name of organization) \_\_\_\_\_  
on (date) \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☒ Other (specify): I served the summons and Complaint upon the Office  
of the Corporation Counsel of the City of New York at  
100 Church Street, NY, NY, on APRIL 19, 2012. The summons/  
complaint was delivered to a male individual who accepted same  
My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 700.00 for fee City of NY.

I declare under penalty of perjury that this information is true.

Date: 5/4/2012

Richard Gavin  
Server's signature

RICHARD GAVIN  
Printed name and title

510 Atlantic Avenue, Brooklyn, NY  
Server's address

Additional information regarding attempted service, etc: